

1-1 By: Campbell, Birdwell S.B. No. 273
 1-2 (In the Senate - Filed January 2, 2015; January 28, 2015, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 March 11, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; March 11, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 273 By: Nelson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain offenses relating to carrying concealed
 1-22 handguns on property owned or leased by a governmental entity;
 1-23 providing a civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter H, Chapter 411, Government Code, is
 1-26 amended by adding Section 411.209 to read as follows:

1-27 Sec. 411.209. WRONGFUL EXCLUSION OF CONCEALED HANDGUN
 1-28 LICENSE HOLDER. (a) A state agency or a political subdivision of
 1-29 the state may not provide notice by a communication described by
 1-30 Section 30.06, Penal Code, or by any sign expressly referring to
 1-31 that law or to a concealed handgun license, that a license holder
 1-32 carrying a handgun under the authority of this subchapter is
 1-33 prohibited from entering or remaining on a premises or other place
 1-34 owned or leased by the governmental entity unless license holders
 1-35 are prohibited from carrying a handgun on the premises or other
 1-36 place by Section 46.03 or 46.035, Penal Code.

1-37 (b) A state agency or a political subdivision of the state
 1-38 that violates Subsection (a) is liable for a civil penalty of:

1-39 (1) not less than \$1,000 and not more than \$1,500 for
 1-40 the first violation; and

1-41 (2) not less than \$10,000 and not more than \$10,500 for
 1-42 the second or a subsequent violation.

1-43 (c) Each day of a continuing violation of Subsection (a)
 1-44 constitutes a separate violation.

1-45 (d) A citizen of this state or a person licensed to carry a
 1-46 concealed handgun under this subchapter may file a complaint with
 1-47 the attorney general that a state agency or political subdivision
 1-48 is in violation of Subsection (a) if the citizen or person provides
 1-49 the agency or subdivision a written notice that describes the
 1-50 violation and specific location of the sign found to be in violation
 1-51 and the agency or subdivision does not cure the violation before the
 1-52 end of the third business day after the date of receiving the
 1-53 written notice. A complaint filed under this subsection must
 1-54 include evidence of the violation and a copy of the written notice.

1-55 (e) A civil penalty collected by the attorney general under
 1-56 this section shall be deposited to the credit of the compensation to
 1-57 victims of crime fund established under Subchapter B, Chapter 56,
 1-58 Code of Criminal Procedure.

1-59 (f) Before a suit may be brought against a state agency or a
 1-60 political subdivision of the state for a violation of Subsection

2-1 (a), the attorney general must investigate the complaint to
2-2 determine whether legal action is warranted. If legal action is
2-3 warranted, the attorney general must give the chief administrative
2-4 officer of the agency or political subdivision charged with the
2-5 violation a written notice that:

2-6 (1) describes the violation and specific location of
2-7 the sign found to be in violation;

2-8 (2) states the amount of the proposed penalty for the
2-9 violation; and

2-10 (3) gives the agency or political subdivision 15 days
2-11 from receipt of the notice to remove the sign and cure the violation
2-12 to avoid the penalty, unless the agency or political subdivision
2-13 was found liable by a court for previously violating Subsection
2-14 (a).

2-15 (g) If the attorney general determines that legal action is
2-16 warranted and that the state agency or political subdivision has
2-17 not cured the violation within the 15-day period provided by
2-18 Subsection (f)(3), the attorney general or the appropriate county
2-19 or district attorney may sue to collect the civil penalty provided
2-20 by Subsection (b). The attorney general may also file a petition
2-21 for a writ of mandamus or apply for other appropriate equitable
2-22 relief. A suit or petition under this subsection may be filed in a
2-23 district court in Travis County or in a county in which the
2-24 principal office of the state agency or political subdivision is
2-25 located. The attorney general may recover reasonable expenses
2-26 incurred in obtaining relief under this subsection, including court
2-27 costs, reasonable attorney's fees, investigative costs, witness
2-28 fees, and deposition costs.

2-29 (h) Sovereign immunity to suit is waived and abolished to
2-30 the extent of liability created by this section.

2-31 SECTION 2. Section 46.035(c), Penal Code, is amended to
2-32 read as follows:

2-33 (c) A license holder commits an offense if the license
2-34 holder intentionally, knowingly, or recklessly carries a handgun
2-35 under the authority of Subchapter H, Chapter 411, Government Code,
2-36 regardless of whether the handgun is concealed, in the room or rooms
2-37 where a ~~at any~~ meeting of a governmental entity is held and if the
2-38 meeting is an open meeting subject to Chapter 551, Government Code,
2-39 and the entity provided notice as required by that chapter.

2-40 SECTION 3. The change in law made by this Act in amending
2-41 Section 46.035(c), Penal Code, applies only to an offense committed
2-42 on or after the effective date of this Act. An offense committed
2-43 before the effective date of this Act is governed by the law in
2-44 effect on the date the offense was committed, and the former law is
2-45 continued in effect for that purpose. For purposes of this section,
2-46 an offense was committed before the effective date of this Act if
2-47 any element of the offense occurred before that date.

2-48 SECTION 4. This Act takes effect September 1, 2015.

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